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C O N F I D E N T I A L SECTION 01 OF 02 BANGKOK 007387

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E.O. 12958: DECL: 12/12/2016

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SUBJECT: AMBASSADOR RAISES ISSUES WITH JUSTICE MINISTER

Classified By: Ambassador Ralph L. Boyce, reason: 1.4 (b) and (d).

SUMMARY

1. (C) Thai Justice Minister Charnchai Likhitjittita told the Ambassador he was unaware of a case in the works against the Lehman Brothers corporation; he was similarly unaware of the expropriation of a Phuket golf club in which U.S. pension funds have a large investment. The Ambassador raised both these matters during a December 6 courtesy call, noting they were of concern to the Embassy. Charnchai discussed the RTG's efforts to end militant activity in Southern Thailand. The Ambassador welcomed news that the RTG would devote special attention to a few select cases of extrajudicial killings related to the Thaksin administration's war on drugs, and he expressed concern for the safety of the wife of a prominent Muslim lawyer, who is presumed dead. The Ambassador also applauded the RTG decision to reform its rewards system for officials who prosecute money laundering offenses and noted RTG interest in reforming its witness protection program. End Summary.

SOUTH AS A TOP PRIORITY

2. (C) In his first call on Charnchai in his new capacity as Justice Minister, the Ambassador congratulated him on his appointment to the cabinet and requested Charnchai's views of the interim administration's priorities. Charnchai explained the administration would focus on transition matters, such as encouraging the drafting of a new constitution and preparing elections. Addressing violence in the South was also a top priority. Noting that militant activity had not diminished, in spite of Prime Minister Surayud's conciliatory approach, Charnchai attributed the sustained violence to the activities of many disparate groups, rather than a single hierarchical organization. Bringing peace to the South would take time, the Minister said, asking if the Ambassador had any advice on the matter. The Ambassador said the USG considered the southern violence as an internal Thai matter. In general, the USG stood ready to assist Thailand but did not want to encourage a perception of U.S. involvement in the security efforts the South.

3. (C) The Ambassador commended the RTG for reestablishing the Southern Border Provinces Administrative Center, noting the importance of interagency cooperation. The Thaksin administration's disbanding of the SBPAC appeared to increase problems in the South, the Ambassador remarked. Charnchai stressed the importance of punishing and transferring government officials who engage in inappropriate behavior.

WAR ON DRUGS

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¶4. (C) Citing the Justice Ministry's role in investigating extrajudicial killings, the Ambassador asked Charnchai about efforts to reexamine transgressions by the security forces during the Thaksin administration's "war on drugs." Charnchai noted he had been in contact with former Senator Kraisaak Choonhavan, who was active on this issue and had provided evidence to the Justice Ministry. The Ministry would examine a handful of cases for which evidence of abuses existed; the Ministry would provide for the Department of Special Investigations (DSI) to become involved in these cases. Charnchai acknowledged that his Ministry lacked the capacity to reexamine all deaths related to the anti-narcotics campaign and had to focus its efforts.

CONCERN FOR SAFETY OF MISSING LAWYER'S WIFE  
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¶5. (C) The Embassy was concerned for the safety of Angkana Neelapaijit, the wife of missing (and often presumed murdered) lawyer Somchai Neelapaijit, the Ambassador said. Noting that the Embassy had direct contact with Angkana, and that he had previously raised this concern with Prime Minister Surayud, the Ambassador described how Angkana had contacted the Embassy a few weeks ago, when she feared she was being followed by unknown persons. Although he did not offer assurances regarding Angkana's safety, Charnchai noted she had contact with his Ministry and had "met many people." Charnchai noted the DSI was continuing to investigate Somchai's disappearance, but it was difficult to find witnesses to come forward.

U.S. FIRMS CONCERNED BY RTG LEGAL ACTIONS  
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¶6. (C) The Ambassador then raised two cases involving American corporations. The first involved Lehman Brothers. Embassy contacts at DSI had advised us they expected to indict Lehman Brothers officials for inappropriate activities during the 1997 Asian financial crisis, when Lehman Brothers advised the RTG on the sale of distressed assets, but also purchased some of those assets, creating a potential conflict of interest. The second case involved a ruling of a Phuket provincial court, which recently dispossessed U.S. investors of a roughly 100 million USD stake in the Blue Canyon golf club. Charnchai claimed he did not know about even the existence of either case; Justice Ministry Permanent Secretary, Jarun Pukditanakul, who also was in the meeting,

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appeared similarly unaware. The Ambassador requested that Charnchai check into these matters.

OTHER REFORMS  
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¶7. (C) The Embassy Resident Legal Advisor, accompanying the Ambassador, raised concern about the RTG's Anti Money Laundering Office (AMLO) and its practice of rewarding officers by allowing them to keep a percentage of seized assets. This practice had deleterious effects and had led to a USG cessation of technical assistance to the AMLO. Charnchai said the RTG was in the process of ending that reward system. The Ambassador welcomed that news.

¶8. (C) The Ambassador also asked about the status of the RTG's witness protection program, which has come under criticism for inadequate safeguards in cases when the witnesses may testify against police officials. Charnchai said the Ministry was taking steps to improve the program and ensure special measures to protect witnesses in such cases. Charnchai expressed interest in USG exchange programs or other modalities that might accelerate Justice Ministry

reforms.  
BOYCE